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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/600,479      | 06/19/2003  | Seiya Asano          | 3702/0M969US0       | 6321             |

7278 7590 01/14/2005

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| EXAMINER |
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NGUYEN, XUAN LAN T

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3683

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/600,479

**Applicant(s)**

ASANO ET AL.

**Examiner**

Lan Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/13 &amp; 10/29/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>approved drawings</u> .                |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The Japanese Office Action listed on form PTO/SB/08 submitted 10/29/04 has been lined out since the Japanese Office Action is not considered as a proper prior art document; and would not be printed on the face of the patent should the instant application matures into a patent. The Japanese Office Action has been considered during the examination of the application. The Examiner appreciates the submission of the Japanese Office Action.

### ***Drawings***

2. The drawings were received on 10/29/04. These drawings are approved.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "in such a manner as" in claim 5 renders claim 5 indefinite.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

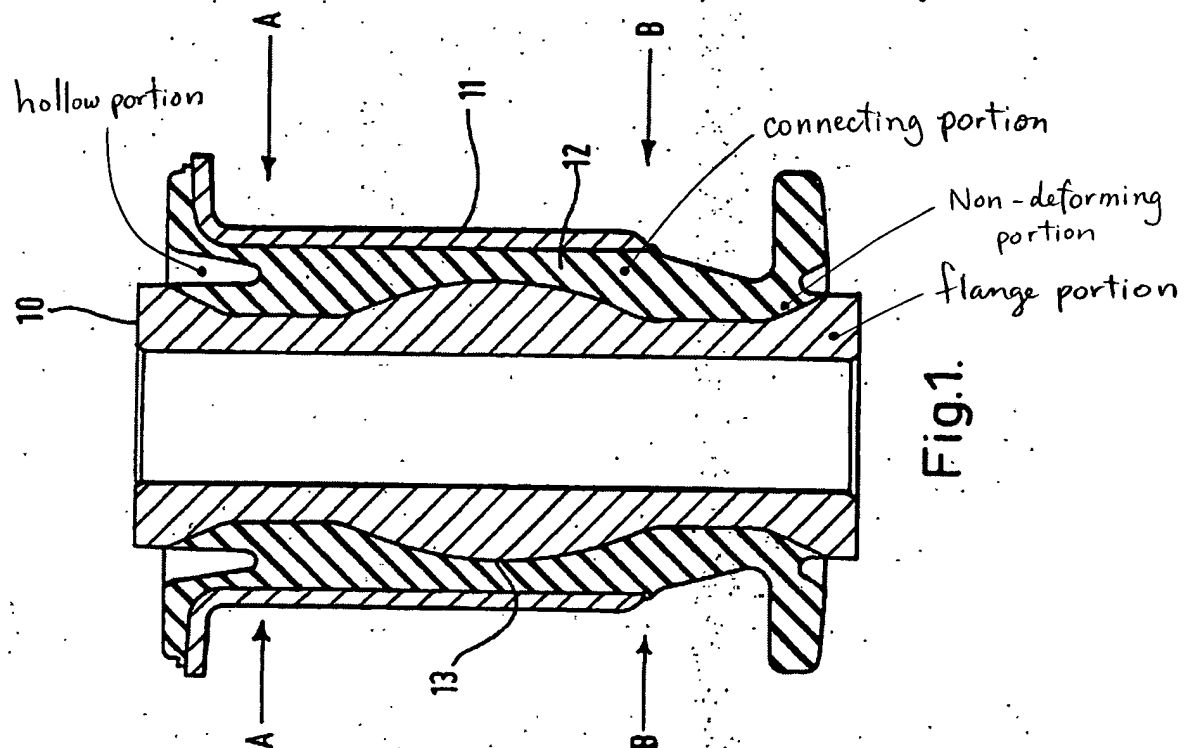
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Nicholson (GB 2364558 A).

Re: claim 1, Nicholson shows a vibration isolating bushing in figure 1, as in the present invention, comprising: a main shaft member 10 including a tubular portion, a flange portion, as marked below, extending radially outwardly from one end of the tubular portion, and a block portion 13 provided on a central portion of the tubular portion and distanced from the flange portion in an axial direction of the main shaft member; an outer cylinder member 11 disposed coaxially on an outer side of the main shaft member in a distance therefrom; and a rubber elastic body 12 disposed between the main shaft member and the outer cylinder member integral connection of the main shaft member and the outer cylinder member, said rubber elastic body including a hollow portion, as marked below, which is open in an end face away from the flange portion and extends in the axial direction up to the vicinity of an end face on a side the flange portion; wherein the rubber elastic body further includes non-deforming rubber portion, please see the figure below, and a connecting portion, see the figure below; the non-deforming rubber portion fills a gap between the flange portion and an end face of the block portion facing the flange portion in the axial direction and is substantially

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undeformable with respect to an application of an axial load; the connecting portion is positioned between a bottom the hollow portion and the end face of the rubber elastic body on the side of the flange portion, for connecting the non-deforming rubber portion and an inner peripheral surface of an end portion of the outer cylinder member.



Re: claim 2, Nicholson shows the block portion 13 radially outwardly protruding end face as claimed.

Re: claim 3, Nicholson further shows the connecting portion to be offset inwardly compared to the non-deforming portion.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholson (GB 2364558 A) in view of Hadano et al.

Nicholson's vibration isolating bushing, as rejected in claim 1, lacks the hollow portion extending up to the end face of the block portion and surrounding the block portion as claimed in claims 4 and 5. Hadano et al. teach the concept of having the hollow portion 22 extending up to the end face of the block portion 11 and surrounding the block portion 11 in a vibration isolating bushing in order to provide a soft spring constant and would provide a comfortable ride for the passengers, see column 7, lines 21-27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Nicholson's vibration isolating bushing with a hollow portion extending up to the end face of the block portion and surrounding the block portion as taught by Hadano in order to provide a soft spring constant and would provide a comfortable ride for the passengers, see column 7, lines 21-27.

***Response to Arguments***

9. Applicant's arguments with respect the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

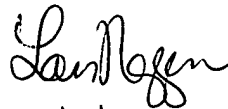
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen  
Patent Examiner  
Art Unit 3683

A handwritten signature in black ink, appearing to read "Lan Nguyen".

1/11/05